

Introduced by Senator Gaines

January 4, 2016

An act to add Section 626.12 to the Penal Code, relating to unmanned aircraft systems.

LEGISLATIVE COUNSEL'S DIGEST

SB 809, as introduced, Gaines. Unmanned aircraft systems.

Existing federal law, the Federal Aviation Administration Modernization and Reform Act of 2012, provides for the integration of civil unmanned aircraft systems, commonly known as drones, into the national airspace system by September 30, 2015. Existing federal law requires the Administrator of the Federal Aviation Administration to develop and implement operational and certification requirements for the operation of public unmanned aircraft systems in the national airspace system by December 31, 2015.

Existing law provides that a person who comes into any school building or upon any school ground, or adjacent street, sidewalk, or public way, whose presence or acts interfere with or disrupt a school activity, without lawful business, or who remains after having been asked to leave, as specified, is guilty of a misdemeanor. Existing law also makes it a crime to possess a firearm within 1,000 feet of a public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, or to possess specified knives or blades on the grounds of those schools.

This bill would, unless authorized by federal law, make it an infraction to knowingly and intentionally operate an unmanned aircraft or unmanned aircraft system on the grounds of, or less than 350 feet above ground level within the airspace overlaying, a public school providing instruction in kindergarten or grades 1 to 12, inclusive, during school

hours and without the written permission of the school principal or higher authority, or his or her designee, or equivalent school authority. The bill would also, unless authorized by federal law, make it an infraction to knowingly and intentionally use an unmanned aircraft or unmanned aircraft system to capture images of public school grounds providing instruction in kindergarten or grades 1 to 12, inclusive, during school hours and without the written permission of the school principal or higher authority, or his or her designee, or equivalent school authority. The bill would define school hours for its purposes as during any school session, extracurricular activity, or event sponsored by or participated in by the school, and the one-hour periods immediately preceding and following any session, activity, or event. The bill would provide for a warning for a first violation and a fine of no more than \$200 for each subsequent violation. The bill would exempt from its provisions any publisher, editor, reporter, or other specified persons, unless the principal or the principal's designee has requested that the person cease the operation of the unmanned aircraft or unmanned aircraft system on the basis that the operation of the unmanned aircraft or unmanned aircraft system would be disruptive of, or interfere with, classes of the public school program. The bill would also exempt law enforcement from its provisions. The bill would exempt from its provisions any entity for which the Federal Aviation Administration has authorized the use of an unmanned aircraft or unmanned aircraft system if that unmanned aircraft or unmanned aircraft system is operated in accordance with the terms and conditions of that authorization. By creating new crimes, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 626.12 is added to the Penal Code, to
- 2 read:
- 3 626.12. (a) Unless authorized by federal law, it shall be an
- 4 infraction to knowingly and intentionally operate an unmanned

1 aircraft or unmanned aircraft system on the grounds of, or less
2 than 350 feet above ground level within the airspace overlaying,
3 a public school providing instruction in kindergarten or grades 1
4 to 12, inclusive, during school hours and without the written
5 permission of the school principal or higher authority, or his or
6 her designee, or equivalent school authority.

7 (b) Unless authorized by federal law, it shall be an infraction
8 to knowingly and intentionally use an unmanned aircraft or
9 unmanned aircraft system to capture images of public school
10 grounds providing instruction in kindergarten or grades 1 to 12,
11 inclusive, during school hours and without the written permission
12 of the school principal or higher authority, or his or her designee,
13 or equivalent school authority.

14 (c) A violation of this section shall be punished as follows:

15 (1) Upon a first conviction, a warning shall be given.

16 (2) Upon a second and any subsequent conviction under this
17 section, a fine of no more than two hundred dollars (\$200).

18 (d) For the purposes of this section, the following definitions
19 apply:

20 (1) “School hours” means during any school session,
21 extracurricular activity, or event sponsored by or participated in
22 by the school, and the one-hour periods immediately preceding
23 and following any session, activity, or event.

24 (2) “Unmanned aircraft” means an aircraft that is operated
25 without the possibility of direct human intervention from within
26 or on the aircraft.

27 (3) “Unmanned aircraft system” means an unmanned aircraft
28 and associated elements, including, but not limited to,
29 communication links and the components that control the
30 unmanned aircraft that are required for the pilot in command to
31 operate safely and efficiently in the national airspace system.

32 (e) This section does not apply to a publisher, editor, reporter,
33 or other person connected with or employed by a newspaper,
34 magazine, or other periodical publication engaged in gathering,
35 receiving, or processing information for communication to the
36 public, or by a radio or television station or network, or by a press
37 association or wire service, or Internet Web site affiliated with or
38 under common ownership of any of those entities, or any person
39 who was so connected or employed at the time that person operated
40 the unmanned aircraft or unmanned aircraft system, unless a request

1 that the person cease using an unmanned aircraft or unmanned
2 aircraft system at a public school building or public school grounds
3 is made by the principal, or the designee of the principal, on the
4 basis that the continued presence of the unmanned aircraft or
5 unmanned aircraft system used by the person would be disruptive
6 of, or would interfere with, classes or other activities of the public
7 school program.

8 (f) This section does not apply to the operation of an unmanned
9 aircraft or unmanned aircraft system by law enforcement.

10 (g) This section does not apply to any entity for which the
11 Federal Aviation Administration has authorized the use of the
12 unmanned aircraft or unmanned aircraft system if the unmanned
13 aircraft or unmanned aircraft system is operated in accordance
14 with the terms and conditions of the authorization.

15 SEC. 2. No reimbursement is required by this act pursuant to
16 Section 6 of Article XIII B of the California Constitution because
17 the only costs that may be incurred by a local agency or school
18 district will be incurred because this act creates a new crime or
19 infraction, eliminates a crime or infraction, or changes the penalty
20 for a crime or infraction, within the meaning of Section 17556 of
21 the Government Code, or changes the definition of a crime within
22 the meaning of Section 6 of Article XIII B of the California
23 Constitution.